Lasting Powers of Attorney explained

What they are, why they matter, and how to ensure your wishes are protected.

A Lasting Power of Attorney, usually shortened to LPA, is a legal document that allows a person you trust to make decisions on your behalf if you are no longer able to make them yourself. It is one of the least discussed pieces of planning and, along with a Will, one of the most important.

There are two separate types. A Property and Financial Affairs LPA covers decisions about money, including bank accounts, paying bills, managing investments and, in some circumstances, property. A Health and Welfare LPA covers decisions about medical treatment, care and where you live. Because the two cover different ground, many people put both in place.

An LPA can only be made while you have the mental capacity to make it. That is the part people most often miss. Once capacity has been lost, it is generally too late to put one in place, and the alternative is an application to the Court of Protection, which is slower, more expensive and places decisions in the hands of the court rather than the people you would have chosen.

The process itself is straightforward but formal. You choose your attorneys, decide what powers to give them, and the document must be signed and witnessed in a particular order. There is a registration process with the Office of the Public Guardian before an LPA can be used, and registration takes time, so planning ahead matters.

Choosing attorneys deserves real thought. They should be people you trust completely, who are willing to take the role on, and who are likely to be available when needed. It is sensible to discuss it with them in advance rather than presenting it as a surprise. You can appoint more than one attorney, and you can specify whether they must act together or can act independently, which affects how practical the arrangement is day to day.

You can also include guidance and restrictions, setting out your preferences and the limits of the authority you are granting. Clear guidance helps your attorneys understand what you would have wanted, particularly on matters such as staying at home or receiving care.

It is worth reviewing an LPA as circumstances change. If an attorney dies, becomes unwell or moves away, or if your relationship with them changes, the document may no longer do what you intended. A review costs far less than discovering the problem at the point when the document is needed.

Making an LPA is a legal process, and this guide is general information rather than legal advice. A qualified professional can help you decide what is appropriate for your circumstances.

Conduit Financial Planners Ltd is an Appointed Representative of New Leaf Distribution Ltd, which is authorised and regulated by the Financial Conduct Authority. FCA Number 460421. General information only, not personal advice.

This guide is general information and does not constitute personal advice. To discuss how any of this applies to your own circumstances, contact Conduit Financial Planners on 01708 98 29 58 or info@conduitfp.co.uk.

Conduit Financial Planners Ltd is an Appointed Representative of New Leaf Distribution Ltd, which is authorised and regulated by the Financial Conduct Authority. FCA Number 460421. General information only, not personal advice.